

MAY 26, 2015

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MEETING MINUTES**

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Hagan, with Councilors Ferguson, Drexel, Morrison and Schwartz present along with City Attorney Fogo, City Manager Coleman, City Clerk Davidson, Parks & Recreation Director Ampietro, Finance Director Cowan, Community Development Director Westbay, Streets Supervisor Summer, several citizens and the press. A Council quorum was present.

**Consideration of Regular Session Meeting Minutes of April 28, 2015.**

Councilor Drexel moved and Councilor Ferguson seconded the motion to approve the Regular Session Meeting Minutes of April 28, 2015, as submitted.

Roll call vote, yes: Ferguson, Drexel, Hagan. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Morrison, Schwartz. They were not present as City Councilors at the meeting.

**Consideration of May 18, 2015, Reorganization Meeting.**

Councilor Schwartz moved and Councilor Morrison seconded the motion to approve the Reorganization Meeting minutes of May 18, 2015, as submitted.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Ferguson. He was absent from the meeting.

**Pre-Scheduled Citizens:**

**Quinn Travis and Ian O'Bannion; Re: Youth Challenge Grant Presentation.** City Manager Coleman stated that a Youth Challenge Grant was granted to Project Grad. One of the conditions of the grant is the applicants are to make a follow-up presentation to Council on the event. City Clerk Davidson reported that the two applicants were not present. Mayor Hagan stated that if and when they appear, they can make their presentation later in the meeting.

**Consent Agenda:** these items have already been discussed or are considered routine matters and action may be taken by a single motion and vote. Mayor Hagan asked if anyone wanted any item removed from the Consent Agenda to be discussed and acted upon separately.

- **Arts Center Sundays @ 6 Multi-Day City Event Permit.**
- **Action on IGA Between City, Gunnison Volunteer Fire Department and Gunnison County Fire Protection District**
- **Action on Fire Truck Bid in Amount Not to Exceed \$387,209.**
- **Set Special Session Meeting for 7pm, June 2, 2015, for a Public Hearing on Ordinance No. 5, Series 2015, Re: City Marijuana Facilities Regulations as stated in the Public Hearing Notice.**

Councilor Ferguson moved and Councilor Drexel seconded the motion to approve the five items listed on the consent agenda.

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

**Unfinished Business:** None.

**New Business:**

**Action to Excuse Councilor Ferguson from May 18, 2015, Council Meeting.**

Councilor Drexel moved and Councilor Morrison seconded the motion to excuse Councilor Ferguson from the May 18, 2015, Council Reorganization meeting since he was out of town for personal reasons.

Roll call vote, yes: Morrison, Schwartz, Drexel, Hagan. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Ferguson.

**Action on 2015 Slurry Seal Bid with Foothills Paving & Maintenance in an Amount Not to Exceed \$140,000.**

Councilor Ferguson moved and Councilor Schwartz seconded the motion to award the 2015 Slurry Seal Bid to Foothills Paving & Maintenance, the low qualifying bidder, in an amount not to exceed the budgeted \$140,000.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison. So carried.

Roll call vote, no: None.

Councilor Ferguson stated the City streets are in good condition because of the continued maintenance that takes place. Crack filling and slurry sealing is protecting the City's investment. The life of the street is extended because the continued maintenance keeps the water out of the subbase materials. Councilor Drexel commended the street painting that is taking place. It looks great. Councilor Morrison asked about the bike lanes status on Tomichi. City Manager Coleman stated the City is awaiting the go-ahead from CDOT on that project. CDOT has not responded to the City's request that was submitted weeks ago. We will keep trying to get an answer.

**Action on Ice Rink Compressor Additional Appropriation in Amount of \$10,500.** This item was discussed at last week's Council Work Session meeting. Councilor Schwartz asked what fund the monies would be taken from. Finance Director Cowan and Parks & Recreation Director Ampietro indicated the funds would be taken out of the Recreation Fund Reserves.

Councilor Schwartz moved and Councilor Ferguson seconded the motion to approve the expenditure of \$10,500 out of the Park and Recreation Fund Reserves for the rebuild of Compressor #1 at the City Ice Rink.

Roll call vote, yes: Ferguson, Drexel, Hagan, Morrison, Schwartz. So carried.

Roll call vote, no: None.

**Action on Adoption of Measurement Periods Regarding the Patient Protection and Affordable Care Act.** This item was discussed at last week's Council Work Session meeting. Finance Director Cowan stated that the proposed time period is the maximum period that can be used under the Affordable Care Act and this will help protect employees.

Councilor Ferguson moved and Councilor Schwartz seconded the motion to adopt a Standard Measurement Period from November 1 through October 31, an initial measurement period from the employee's start date through the following 12 months, an administrative period from November 1 through December 31, and a Stability Period from January 1 through December 31 in accordance with the provisions of the Patient Protection and Affordable Care Act.

Roll call vote, yes: Drexel, Hagan, Morrison, Schwartz, Ferguson. So carried.

Roll call vote, no: None.

**Action to Approve City Employee Handbook dated May 26, 2015.** This item was discussed at last week's Council Work Session meeting. No changes were made to the document since that time. Finance Director Cowan stated that the handbook had been reviewed by Mountain States Employers Council and they said the provisions were appropriate and legal.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve the City Employee Handbook dated May 26, 2015, as presented.

Roll call vote, yes: Hagan, Morrison, Schwartz, Ferguson, Drexel. So carried.

Roll call vote, no: None.

**Action on Filing Opposition to Water Court Case.** City Manager Coleman informed Council that it is the City's stand to submit opposition to water cases that fall within the City's water basins. This filing ensures that the City receives information from the Water Court on the status of the case. If the City doesn't file then it is difficult to obtain information on the status of the case. This filing of opposition is for Case No. 15CW3021, Link LLC regarding the filing to increase the originally decreed well field from 6 shared wells to 12 individual lot wells at its Vista Business Center on Tomichi Creek east of Gunnison.

Councilor Drexel moved and Councilor Schwartz seconded the motion to approve the City Manager to sign the statement of opposition in Case No. 15CW3021 to allow the City to remain active in the water court proceedings.

Roll call vote, yes: Morrison, Schwartz, Ferguson, Drexel, Hagan. So carried.

Roll call vote, no: None.

#### **Ordinance and Resolutions:**

**Resolution No. 11, Series 2015; Re: Recognizing Gunnison Rising Annexation Agreement Conditions for Subdivision and Development Have Been Met.** Councilor Morrison introduced Resolution No. 11, Series 2015, and it was read by title only by the City Manager.

Community Development Director Westbay came forward and gave a brief overview of the three Annexation Agreement stipulations that had been met by the Annexor. The applicant has conformed to all obligations. The Annexor has agreed not to utilize the existing City water system and not have to guarantee the quality and quantity of the Tomichi Creek basin water supply.

Councilor Morrison moved and Councilor Ferguson seconded the motion that Resolution No. 11, Series 2015, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, RECOGNIZING THAT THE ANNEXOR OF THE GUNNISON RISING ANNEXATION HAS FULFILLED CERTAIN OBLIGATIONS OF THE ANNEXATION AGREEMENT RELATED TO THE RIGHT TO SUBDIVIDE AND DEVELOP REAL PROPERTY COMPRISING THE ANNEXATION TERRITORY**, be introduced, read, passed and adopted this 26th day of May, 2015.

Roll call vote, yes: Schwartz, Ferguson, Drexel, Hagan, Morrison. So carried.

Roll call vote, no: None.

**City Attorney Kathleen Fogo:** no report. Mayor Hagan asked about the Lazy K Property. The City Attorney stated there is a plan in place to hopefully clear up the title on the Lazy-K property. Clear title is the responsibility of the seller, not the City. City Manager Coleman stated that in all of the various land parcel transactions over the years, some of the deeds were not properly recorded. Those parcel deeds are now being examined and clarified. Councilor Morrison asked about the environmental study. The City Manager stated that once the property is acquired then follow-up will take place. We don't want to make the investment on property that is not owned by the City. He has talked with a consultant about performing a Phase I environmental study once the property is acquired. That will cost approximately \$1,600.00. If, after the Phase I study is complete, further analysis is required, than follow-up will be undertaken at that time. He doesn't foresee any environmental issues with the property.

**City Manager:** Ken Coleman reported on the following: the City Council and Staff tour of city facilities will take place tomorrow morning starting at 8:30 and the van will be in front of City Hall; the tour should take about 4 hours; the City is hosting the June Mayors'/Managers' meeting next Thursday in the Council Chambers and all of Council is invited to attend; the marijuana facilities regulations are coming along and the public hearing will take place next Tuesday, June 2<sup>nd</sup> at 7pm; the Gunnison Growler saw very successful events this past weekend with 700 participants and the success was due to amazing volunteers; a phone conference has been set up with CDOT the first part of June to discuss the complete streets project on Highways 50 and 135; and Public Works Director Bradford is following the potential extension of the WAPA hydro-power contract that could affect the City's future WAPA energy allocations.

**Acting City Manager:** Finance Director Ben Cowan gave the City Financials Report. He has made some modifications to how the report was given in the past. If Council wants to see more, less or different information, the format can be changed. Director Cowan reviewed the following topics: a review of departures or changes from the adopted budget; the investment report and investment performance is lagging slightly right now; there are several old CD maturities and the new City Investment Policy Committee will be meeting to discuss investments; the City check register is open to anyone who would like to see it and we have very strong check processing controls in place; Purchase Card Report includes the same level of review as checks, a new coding process is in-place and employees are being trained and UMB has fraud coverage in place; Sales Tax Trend shows an increase of approximately up 5% this year to date and this is slightly higher than the amount projected in the 2015 budget; Revenue and Expenditure Reports show a few items over budget year-to-date but this isn't unusual at this time. A brief Council discussion ensued with Council stating they like the thoroughness of the financial report.

Director Cowan stated his Semi-Annual Departmental Report is included in their Council packets. If Council has any questions on the report they can get with him. He is investigating the possibility of refinancing the 2007 pool and rink bonds since rates are still at a historic low. He will keep Council informed about those discussions.

**City Clerk:** Gail Davidson reported that advertising for the vacancies on the Zoning Board of Adjustments and Appeals, the Building Board of Appeals and the Election Commission will be advertised. If Council knows of anyone interested in serving in any of these capacities to encourage them to submit a letter of interest.

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**Community Development Director:** Steve Westbay reported he will be attending the Housing Forum at the Crested Butte Center for the Arts on Thursday at 6:30 p.m.

**WSCU Liaison:** Absent until fall semester.

**Non-Scheduled Citizens:**

**City Council Discussion, Meeting Reports, Items for Work Session:**

**Councilor Ferguson:** reported he had no meetings to report on.

**Mayor Pro Tem Drexel:** reported he attended the Growler and there were a lot of dollars on the pavement in the form of expensive bicycles. He, Stu and Matt attended the Parks Master Plan meeting on Monday evening. He reported he will be unable to attend the Mayors/Managers meeting on Thursday since he will be out of town.

**Councilor Morrison:** reported she attended the Community Builders Task Force meeting and they are doing great things. She also attended the One Valley Prosperity community where she had a great vibrant table to share ideas. She attended the Chamber meeting this morning and plans are underway for the June 25<sup>th</sup> Block Party event downtown. This is a new event and the new businesses on Main Street will be showcased. There will be music and other festivities.

**Councilor Schwartz:** reported there is a great start on the Parks & Recreation Master Plan. There has been a lot of community input and good ideas. He volunteered at the Growler event and the downtown area was busy.

**Mayor Hagan:** reported he was in Montana all last week and has no meetings to report. Mayor Hagan called for any items for upcoming agenda. He would like to have an update on the Comprehensive Plan scheduled. City Clerk Davidson will schedule that update.

**Adjournment:** Mayor Hagan called for any further discussion from Council, staff or the public, and hearing none, adjourned the meeting at 8:19 P.M.

  
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Mayor

  
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City Clerk